

FIFTY-THIRD DAY.

SENATE CHAMBER, }
AUSTIN, March 14, 1881. }

Senate met pursuant to adjournment; the President in the chair.

Roll called; quorum present.

Prayer by Elder William E. Hall.

On motion of Senator Stubbs, the reading of the journal of Saturday was dispensed with, and the same adopted.

Senator Patton introduced a bill entitled "An act to authorize the Governor to appoint a district attorney for the Fifteenth Judicial District." Referred to Committee on State Affairs.

Senator Davenport moved to postpone pending business to take up Senate bill No. 72, "An act to procure from the publishing house owning the copy rights certain volumes of the early reports of the Supreme Court of the State." Adopted and bill taken up, and on motion of Senator Davenport, the Senate concurred in the House amendments.

Senator Terrell, chairman of Judiciary Committee No. 1, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, March 14, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 242, the object of which is to make provision for the registration of instruments affecting titles to lands situate in unorganized counties, have considered the same, and instruct me to report the same back, and recommend its passage.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 14, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, have considered Senate bill No. 213, "An act to amend article 3210 of the Revised Civil Statutes, relating to dormant judgments," said act having for its object the fixing of liens upon real estate for the period of ten years by virtue of judgments rendered in courts of record, without the necessity of issuing execution upon such judgments during the ten years next after the rendition thereof, and I am instructed to report the same back to the Senate, recommending that it do pass.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 14, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, have considered House bill No. 310, entitled "An act to amend chapter 3, of title 15, of an act entitled 'an act to adopt and establish a Penal Code and a Code of Criminal Procedure for the State of Texas,' approved February 21, 1879," and I am instructed to report the same back to the Senate with the recommendation that it do pass. The bill requires counties from which any criminal cause is removed by change of venue, to pay costs incurred in prosecuting the same by the counties to which such causes are changed.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 14, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 217, entitled, "An act to validate certain notarial acts in the State of Texas," have considered the same, and I am instructed to report the same back to the Senate, with the recommendation that that it do pass, with the annexed amendment.

BUCHANAN of Wood, for Committee.

AMENDMENT.

Strike out the words, "of Denton," where they occur in the bill, and insert instead thereof the words, "of the residence of the authenticating officer."

TERRELL, Chairman.

Bill read first time with committee amendments.

COMMITTEE ROOM,
AUSTIN, March 14, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate

bill No. 243, have considered the same, and instruct me to report it back and recommend that it do not pass. The object of the bill is to permit a bill of review, in all cases, at any time within ten years after rendition of judgment, which might be voidable for any cause, and to permit suit brought within a like period to set aside any judgment which has heretofore or may hereafter be rendered, on any instrument in writing, or evidence of title either forged or executed under any forged power of attorney. The existing law precludes one in possession under a forged conveyance, or deed, from receiving benefit under a statute of limitations; but your committee are of opinion that to afford so long a period within which to review a judgment, would be violative of sound policy.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, March 14, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred a memorial of citizens of Rockwall county, asking that the civil and criminal jurisdiction of their county court be abolished, have considered it, in connection with a protest against such action, signed by the county judge, county commissioners, and others. The statements of the memorial and protest are in conflict, and the late period of the session at which the action of the Legislature is desired rendering it impossible to pass any such measure as the one asked for by the memorial, where conflicting views are to be reconciled, renders it, in the opinion of your committee, unadvisable to attempt any legislation on the subject.

TERRELL, Chairman.

COMMITTEE ROOM,
AUSTIN, March 14, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 224, have considered the same, and instruct me to report it back with request that it be referred to the Committee on Privileges and Elections, to which it appropriately belongs; and your committee ask to be discharged from its further consideration.

TERRELL, Chairman.

Report read, and bill so referred.

COMMITTEE ROOM,
AUSTIN, March 14, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 239, having for its object to pay collectors of taxes for levying on, advertising and selling lands which have been heretofore or may be hereafter bid off by the State at tax sales, have considered the same, and instruct me to report, that the bill, in so far as it proposes to make compensation for past services is in violation of section 44, article 3 of the Constitution of the State, and to recommend that it do not pass.

TERRELL, Chairman.

Bill read first time.

Senator Buchanan of Wood, for Judiciary Committee No. 1, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 14, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Judiciary No. 1 have had under consideration House bill No. 486, "An act to diminish the civil jurisdiction of the county court of Bosque county in this State, and conform the jurisdiction of the district court of said county to such change," and instruct me to report the same back to the Senate, with the recommendation that it do pass. BUCHANAN of Wood, for Committee.

Bill read first time.

Senator Lane moved that the Senate take up House bill No. 482, "An act to diminish the civil jurisdiction of the county court of Bosque county in this State and conform the jurisdiction of the district court of said county to such change." Adopted, and bill taken up.

Senator Lane moved that the Senate insist on its amendments to the bill, and that a committee of free conference be appointed by the President to act with a like committee of the House in considering said amendments.

Adopted.

The President appointed on said committee Senators Lane, Martin of Navarro, Martin of Cooke, Ross and Weatherred.

The following message was received from the Governor:

EXECUTIVE OFFICE,
AUSTIN, March 14, 1881.

To the Hon. Senate of the State of Texas:

I respectfully submit the name of John Eckford to succeed himself as notary public in Bexar county; and by way of correcting the list sent in for that county I wish to withdraw the name of J. F. Lockwood and appoint Reagan Houston to succeed J. F. Lockwood.

O. M. ROBERTS, Governor.

Senator Houston moved that the appointments contained in the message just read be considered with the other appointments made in the next executive session to be held to-day. Adopted unanimously.

Senator Patton moved to take up House bill No. 576, "An act to provide for the change of time of holding the terms of the District Court of Gonzales county." Adopted and bill taken up, read second time and passed to third reading.

On motion of Senator Patton, rules were suspended and bill placed on its third reading by the following vote:

NAYS—26.

Buchanan of Wood,	Houston,	Ross,
Burges,	Lair,	Shannon,
Burton,	Lane,	Stewart,
Davenport,	Lightfoot,	Stubbs,
Duncan,	Martin of Navarro,	Swain,
Gooch,	Moore,	Terrell,
Harris,	Patton,	Weatherred,
Henderson,	Powers,	Wynne.
Hightower,	Rainey,	

NAYS—none.

NOT VOTING—3.

Buchanan of Grimes, Cooper, Martin of Cooke.
Bill read third time and passed by the following vote:

YEAS—27.

Buchanan of Grimes,	Hightower,	Rainey,
Buchanan of Wood,	Houston,	Ross,
Burges,	Lair,	Shannon,
Burton,	Lane,	Stewart,
Davenport,	Lightfoot,	Stubbs,
Duncan,	Martin of Navarro,	Swain,
Gooch,	Moore,	Terrell,
Harris,	Patton,	Weatherred,
Henderson,	Powers,	Wynne.

NAYS—none.

NOT VOTING—2.

Cooper, Martin of Cooke.

On motion of Senator Houston, the Secretary was instructed to correct an error in the journal, in which he, Senator Houston, was erroneously reported as having been excused indefinitely after the twenty-second instant, instead of Senator Harris.

Senator Patton, chairman of Committee on State Affairs, by leave, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 14, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on State Affairs have considered Senate bill No. 267, "An act to authorize the Governor to appoint a District Attorney for the Fifteenth Judicial District," and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following amendment.

PATTON, Chairman.

AMENDMENT.

In line 22 of the bill, after the word "days," insert the words "be suspended."

Bill read first time, with amendment.

The Senate went into executive session on the appointments of notaries public made by the Governor.

IN SENATE.

Senator Henderson entered a motion to reconsider Senate joint resolution No. 37, "proposing to amend certain sections in article 5, of the State Constitution, relating to the judiciary."

Senator Burges offered the following resolution:

WHEREAS, There are thousands of acres of land in Texas which properly belong to the State and the body of the public domain, held and claimed adversely under fraudulent certificates and patents issued on such certificates; therefore, be it

Resolved by the Senate of the State of Texas, That the Attorney-General be and he is hereby authorized to institute suit for the purpose of testing the validity of any claim to land believed by him to be fraudulent and vacating the same. That this resolution be in force from and after its passage.

Referred to Committee on Public Lands.

On motion of Senator Wynne, 500 copies of the apportionment bill, as reported by the committee, was ordered printed.

Senator Lightfoot presented a petition of eighty-nine ladies of Blossom Prairie, Lamar county, Texas, asking the Legislature to pass the prohibition resolution. Referred to Committee on Constitutional Amendments.

Senator Lair moved that the Governor be informed by the Secretary of the Senate of the result of the executive session. Adopted.

Senator Gooch moved to enter on the journal the names of the notaries public confirmed by the Senate at the last and preceding executive session.

Senator Martin of Navarro moved to amend by adding "and that two hundred extra copies of the journal containing them be printed." Accepted and the motion carried.

A message was received from the House announcing the passage of the following concurrent resolution:

Resolved by the House of Representatives, the Senate concurring, That the joint session set for this day, for the purpose of electing the directors of the Agricultural and Mechanical College, be postponed till Friday, the twenty-fifth day of March.

On motion of Senator Gooch, the resolution was taken up and adopted.

House bill No. 267, "An act to amend article 1054, title 15, chapter 2, of the Code of Criminal Procedure of the State of Texas," was taken up, read third time and passed.

House bill No. 211, "An act to detach 5334 acres from Hill county, and attach the same to Johnson county, and define the line between said counties," was taken up, read third time and passed.

The President, after reading their captions, signed the following House bills, to-wit:

House bill No. 35, entitled "An act to amend article 1081, chapter 3, title 15, of the Code of Criminal Procedure, adopted February 21, 1879."

House bill No. 282, entitled "An act to amend article 1974, and to establish articles 1802a and 1822a of the Revised Civil Statutes of the State of Texas, concerning estates of deceased persons."

Substitute for House bills Nos. 329 and 339, entitled "An act to amend articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create article 426 1-2, and to repeal article 430 of chapter 5, title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game."

House bill No. 39, entitled "An act to amend article 506 of title 7, chapter 11, of the Revised Civil Statutes of the State of Texas, relating to towns and villages," was taken up, read second time, and, on motion of Senator Gooch, was postponed until to-morrow.

Senator Swain, by leave, introduced a bill entitled "An act establishing and prescribing the manner of ascertaining the boundaries of counties." Read by caption and referred to the Committee on Counties and County Boundaries.

Senator Terrell, by leave, introduced a bill entitled "An act amendatory of the fourth section of an act entitled 'an act to provide for building a new State capitol,' approved April 13, 1879." Read by caption and referred to Committee on State Affairs.

On motion of Senator Lightfoot, Senator Stewart was indefinitely excused in consequence of sickness in his family.

Senator Buchanan of Grimes, chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 14, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 106, "An act for the relief of J. M. Brownson;" Senate bill No. 118, "An act to prescribe the requisites of the index to records of deeds to land, and fix a penalty for failing to keep the same as required;" Senate bill No. 109, "An act to amend article 478, chapter 9, title 17 of the Revised Civil Statutes of the State of Texas, adopted on the twenty-first day of February, A. D. 1879;" Senate bill No. 109, "An act to amend section 2 of 'an act to require persons enclosing public free school lands to pay an annual rent therefor,' approved April 17, 1879," and find the same correctly engrossed.

BUCHANAN of Grimes, Chairman.

On motion of Senator Davenport, the Senate adjourned until 3 o'clock p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Roll called; quorum present.

Senator Henderson offered the following resolution:

WHEREAS, a motion to reconsider House joint resolution No. 37 is now pending in the Senate, and said resolution, as it passed the Senate, requires a correction; therefore be it

Resolved, That the House be requested to return said joint resolution to the Senate.

Adopted.

Senator Shannon offered the following resolution:

WHEREAS, The following, in the Galveston Daily News, of the thirteenth instant, is reported as the language of Governor O. M. Roberts, in an interview with the reporter of said paper, to-wit: "They (meaning the Legislature,) had better look out what they are doing. Why, sir, I can ignore them; I can call a convention; I can disorganize the government, sir; but I don't want any fuss; and I don't want to be ruled by a mob. I have not made up my mind to call them together. If they pass no appropriation bill, I can get along without them; and I will let them go home, to tell their people what they have not done. If I ask the people to come to my help, they will do it, sir; if I think the situation will enable them to indorse me in it;" and

WHEREAS, It is not the opinion of the Senate that the Governor of the State of Texas would intentionally heap such an insult upon the Legislature of the State as is couched in the language here quoted; therefore, be it

Resolved, That the Senate owes it to its own dignity and self-respect, as one branch of the Legislature, to request of the Governor that he disclaim the language imputed to him by said reporter.

Senator Houston moved to refer the resolution to the Committee on State Affairs.

Senator Lair raised the point of order that the resolution was out of order at an evening session.

The President ruled that the point of order was not well taken, as the resolution was introduced by unanimous consent.

Senator Terrell offered the following, as a substitute:

The publication of a conversation with Governor Roberts, contained in the Galveston News of the thirteenth instant, does not, in the opinion of the Senate, require any action by the Senate. Whether he made the remarks or not, the Senate will be properly judged by its works.

Senator Buchanan of Grimes moved to lay resolution and substitute on the table.

Ruled out of order, as a motion to commit has precedence over a motion to lay on the table.

Substitute adopted and the Senate refused to commit by the following vote:

YEAS—11.

Duncan,	Lane,	Shannon,
Gooch,	Lightfoot,	Stubbs,
Harris,	Moore,	Wynne.
Houston,	Patton,	

NAYS—15.

Buchanan of Grimes,	Burges,	Davenport,
Buchanan of Wood,	Burton,	Henderson,

Hightower,
Lair,
Martin of Navarro,

Powers,
Rainey,
Ross,

Swain,
Terrell,
Weatherred.

NOT VOTING—2.

Cooper,
Martin of Cooke,

Senator Buchanan of Grimes moved to table the resolution. Adopted.

A message was received from the House announcing the appointment of Messrs. King, Wurzbach, Daugherty, Gaither and Gray, of the House, on the free conference committee, to consider the disagreement between the two Houses on the Senate amendments to House bill No. 482.

Senator Moore called up Senate bill No. 198, "An act to authorize the Governor, State Treasurer and Superintendent of the Penitentiary to contract for conveying convicts from the counties where sentenced to the penitentiary." Bill taken up and read second time.

Senator Swain offered the following amendment:

The near approach of the close of the present session of the Legislature and the fact that there is no provision made for the transportation of convicts to the penitentiary from where sentenced, creates an emergency and an imperative public necessity that the constitutional rule requiring that this bill be read on three several days be suspended, and said rule is hereby suspended, and that this act take effect and be in force from and after its passage.

Adopted and bill ordered engrossed.

On motion of Senator Swain, rules were suspended to put bill on its third reading by the following vote:

YEAS—24.

Buchanan of Grimes,	Houston,	Rainey,
Buchanan of Wood,	Lair,	Ross,
Burges,	Lane,	Shannon,
Burton,	Lightfoot,	Stubbs,
Davenport,	Martin of Navarro,	Swain,
Harris,	Moore,	Terrell,
Henderson,	Patton,	Weatherred,
Hightower,	Powers,	Wynne.

NAYS—none.

NOT VOTING—4.

Cooper,
Martin of Cooke.

Bill read third time and passed by the following vote:

YEAS—22.

Buchanan of Grimes,	Lane,	Ross,
Buchanan of Wood,	Lightfoot,	Shannon,
Burges,	Martin of Navarro,	Stubbs,
Davenport,	Moore,	Swain,
Harris,	Patton,	Terrell,
Henderson,	Powers,	Weatherred,
Hightower,	Rainey,	Wynne.
Lair,		

NAYS—none.

NOT VOTING—6.

Duncan,
Cooper,

Burton,
Gooch,

Martin of Cooke,
Houston.

Senator Powers called up Senate bill No. 190, "An act to amend an act entitled 'an act to amend section 46 of an act to encourage stockraising, and for the protection of stockraisers, approved August 23, 1876,' approved April 22, 1879." Bill taken up and read second time.

Senator Burton offered the following amendment: Amend by striking out "Fort Bend and Waller counties" wherever they occur in the bill. Adopted.

Senator Lane offered the following: Amend by inserting the counties of Goliad and Refugio. Adopted.

Senator Powers offered the following: Amend by adding "Nueces" to the counties exempted. Adopted, and bill ordered engrossed.

On motion of Senator Martin of Navarro, rules were suspended and bill put on its third reading by the following vote:

YEAS—23.

Buchanan of Grimes,	Burton,	Gooch,
Burges,	Davenport,	Harris,

Henderson, Hightower, Houston, Lair, Lane, Lightfoot,	Martin of Navarro, Moore, Patton, Powers, Rainey, Ross,	Shannon, Stubbs, Terrell, Weatherred, Wynne.
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NAYS—none.

NOT VOTING—5.

Buchanan of Wood, Cooper,	Duncan, Martin of Cooke,	Swain.
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Bill read third time and passed by the following vote:

YEAS—22.

Burges, Burton, Davenport, Gooch, Harris, Henderson, Hightower, Houston,	Lair, Lane, Lightfoot, Martin of Navarro, Moore, Powers, Rainey,	Ross, Shannon, Stubbs, Swain, Terrell, Weatherred, Wynne.
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NAYS—none.

NOT VOTING—4.

Buchanan of Grimes Buchanan of Wood,	Cooper, Duncan,	Martin of Cooke, Patton.
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Senator Henderson moved to take up his motion to reconsider House joint resolution No. 37, amending certain sections of article 5 of the State Constitution, relating to the judiciary. Adopted by unanimous consent, and vote reconsidered.

Senator Henderson offered the following amendment: "Amend section 8 by inserting after the word 'character,' in line 20, section 8, page 11, the following: 'of all suits for trial of title to land, and for the enforcement of liens thereon.'" Adopted by the following vote:

YEAS—24.

Buchanan of Grimes Burges, Burton, Davenport, Gooch, Harris, Henderson, Hightower,	Houston, Lair, Lane, Lightfoot, Martin of Navarro, Moore, Patton, Powers,	Rainey, Ross, Shannon, Stubbs, Swain, Terrell, Weatherred, Wynne.
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NAYS—none.

NOT VOTING—4.

Buchanan of Wood, Cooper,	Martin of Cooke, Duncan,	
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Resolution passed by the following vote:

YEAS—23.

Buchanan of Grimes Burges, Burton, Davenport, Gooch, Harris, Henderson, Hightower,	Houston, Lair, Lane, Lightfoot, Martin of Navarro, Moore, Patton, Powers,	Rainey, Ross, Stubbs, Swain, Terrell, Weatherred, Wynne.
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NAYS—none.

NOT VOTING—5.

Buchanan of Wood, Cooper,	Duncan, Martin of Cooke,	Shannon.
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Senator Rainey called up Senate bill No. 126, "An act to amend article 1300, chapter 11, title 29, of the Revised Statutes of the State of Texas." Bill taken up and read second time.

Senator Rainey offered the following amendment:

The fact that the Legislature will soon adjourn creates a public necessity which justifies the suspension of the rule which requires this bill to be read on three several days, and it is suspended.

Adopted, and bill ordered engrossed.

Senator Rainey moved to suspend the rules and place the bill on its third reading. Adopted by the following vote:

Burges, Burton, Gooch, Harris, Henderson, Hightower, Houston, Lair,	YEAS—22. Lane, Lightfoot, Martin of Navarro, Moore, Patton, Powers, Rainey,	Ross, Shannon, Stubbs, Swain, Terrell, Weatherred, Wynne.
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NAYS.

Buchanan of Grimes,

NOT VOTING—5.

Buchanan of Wood, Cooper,	Davenport, Duncan,	Martin of Cooke,
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Senator Burges offered the following amendment:

Provided, that the judge may, after argument to the jury is concluded, amend his charge so as to present the law on any point suggested by the argument, and which has been omitted in his general charge.

Senator Gooch moved to amend Senator Burges' amendment by striking out all after the words "amend his charge." Accepted.

Senator Houston moved the previous question on the bill and amendments. Motion seconded and main question ordered, and amendment lost by the following vote:

YEAS—11

Buchanan of Grimes Burges, Burton, Gooch,	Harris, Lair, Martin of Navarro, Patton,	Ross, Stubbs, Swain.
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NAYS—18.

Buchanan of Wood, Henderson, Hightower, Houston, Lane,	Lightfoot, Moore, Powers, Rainey,	Shannon, Terrell, Weatherred, Wynne.
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NOT VOTING—4.

Cooper, Davenport,	Duncan,	Martin of Cooke.
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Bill lost.

Senator Houston moved to reconsider the vote by which the Senate refused to pass the bill. Adopted and vote reconsidered by the following vote:

YEAS—10.

Buchanan of Grimes Davenport, Gooch, Harris, Hightower, Houston,	Lair, Lane, Moore, Patton, Rainey,	Shannon, Stubbs, Swain, Terrell, Wynne.
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NAYS—9.

Buchanan of Wood, Burges, Burton,	Henderson, Lightfoot, Martin of Navarro,	Powers, Ross, Weatherred.
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NOT VOTING—2.

Cooper,	Duncan.
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Bill passed by the following vote:

YEAS—14.

Davenport, Gooch, Harris, Hightower, Houston,	Lair, Lane, Moore, Patton, Rainey,	Shannon, Stubbs, Terrell, Wynne.
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NAYS—10.

Buchanan of Grimes, Buchanan of Wood, Burton, Henderson,	Lightfoot, Martin of Navarro, Powers,	Ross, Swain, Weatherred.
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NOT VOTING—4.

Burges, Cooper,	Duncan,	Martin of Cooke,
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Senator Ross called up Senate bill No. 225, "An act to provide for the payment of William Scanlan, late sheriff of Cameron county, for conveying convicts to the State penitentiary and for guards as directed to be audited by the judgment of the District Court of Walker county, etc." Bill taken up, and read second time, with majority and minority reports,

Senator Wynne moved to adopt the minority report, which was unfavorable.

Senator Lane introduced a bill entitled, "An act to diminish the civil and criminal jurisdiction of DeWitt county and to conform the jurisdiction of the district court to such change." Referred to Judiciary Committee No. 1.

On motion of Senator Burges, the Senate adjourned till 9:30 A. M. to-morrow.

FIFTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, March 15, 1881. }

Senate met pursuant to adjournment; President in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Rainey, the reading of the journal of yesterday was dispensed with and the same adopted.

Senator Lane, chairman of Committee on Finance, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 15, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Judiciary No. 1 have had under consideration Senate bill No. 270, entitled "An act to diminish the civil and criminal jurisdiction of the County Court of DeWitt county, and to conform the jurisdiction of the district court of said county to such change," and I am instructed by a majority of said committee to report the same back to the Senate with the recommendation that it do pass.

LANE, Chairman.

Bill read first time.

Senator Henderson introduced a bill entitled, "An act for the relief of the heirs of Wilburn Jones, deceased." Referred to Committee on Private Land Claims.

Senator Houston, by unanimous consent, called up Senate joint resolution No. 42, "proposing to amend sections 3 and 4, of article 3, of the Constitution of the State of Texas, so as to make the term of office of State Senators six years and of Representatives four years." Resolution taken up.

Senator Houston offered the following amendment. Amend by adding:

Be it further Resolved, That the Governor be and he is hereby required to issue his proclamation, directing an election to be held throughout the State on the first Tuesday in September A. D. 1881, for the purpose of submitting the foregoing amendments to the qualified voters of the State, and to cause to be published, once a week for four weeks, at least three months prior to said election, the proposed amendments, in one weekly newspaper in each county in the State, in which a newspaper may be published, and he shall direct said election to be held in accordance with the law regulating general elections.

Upon receipt of the proclamation of the Governor, the county judge shall proceed to issue his writs of election, appointing judges of election in accordance with the election law. Those desiring to vote for the amendment shall have written or printed upon their tickets: "For amendment to article three." Those desiring to vote against the amendment shall have written or printed upon their tickets: "Against amendment to article three." Immediately after the election, the officers of each precinct shall forward to the county judge of their county a duplicate return, showing the number of votes cast for or against the amendment; and on the tenth day thereafter the county judge shall open and count said returns, and forthwith forward to the Secretary of State, in a sealed package, a tabulated statement thereof, showing the total number of votes cast in the county for or against the amendment; and on the fortieth day after said election the Secretary of State shall, in the presence of the Governor and Attorney-General, open and count said returns, and if it shall appear from the returns that a majority of the votes were cast for said amendment, it shall be the duty of the Governor, on the following day, to issue his proclamation setting forth the fact that said amendment has received a majority of the votes cast at said election, and shall proclaim that said amendment has become and is a part of the State Constitution, and this amendment shall take effect from and after said proclamation.

Adopted, and resolution ordered engrossed by the following vote:

YEAS—22.

Buchanan of Wood,	Hightower,	Powers,
Burges,	Homan,	Rainey,
Burton,	Houston,	Ross,
Davenport,	Lair,	Stubbs,
Duncan,	Martin of Cooke,	Terrell,
Gooch,	Moore,	Weatherred,
Harris,	Patton,	Wynne.
Henderson,		

NAYS—4.

Lightfoot,	Shannon,	Swain.
Martin of Navarro,		

NOT VOTING—3

Buchanan of Grimes	Cooper,	Lane.
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House bill No. 39, "An act to amend article 506, of title 7, chapter 11, of the Revised Civil Statutes of the State of Texas, relating to towns and cities," was taken up as business on the President's table.

On motion of Senator Gooch, the bill was laid upon the table, subject to call.

Senator Lair, by leave, introduced a bill entitled. "An act providing for the payment by cities and towns of the interest on their bonded indebtedness to the holders of the bonds directly, instead of paying the same to the Comptroller." Referred to Committee on Finance.

Senator Henderson moved to call up the motion to reconsider the vote by which Senate bill No. 18, "An act to amend chapter 2, title 8, of the Code of Criminal Procedure, entitled 'of the special venire in capital cases,'" was indefinitely postponed.

Senator Houston moved the previous question, on the motion to reconsider. Motion seconded and main question ordered by the following vote:

YEAS—17.

Buchanan of Wood,	Henderson,	Shannon,
Burges,	Hightower,	Stubbs,
Burton,	Homan,	Swain,
Duncan,	Houston,	Terrell,
Gooch,	Lightfoot,	Wynne.
Harris,	Patton,	

NAYS—4.

Davenport,	Powers,	Rainey.
Moore,		

NOT VOTING—3.

Buchanan of Grimes,	Cooper,	Lair.
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The pending amendment of Senator Houston being as follows: In section 3, line 20, strike out all after the word "court," and insert:

Shall appoint three special jury commissioners who, after being sworn as commissioners, shall at once make from the qualified jurors of the county a list of talismen to be summoned by direction of the court, to make up the number necessary for the jury to try the case, and no one not so selected shall be summoned as such talismen.

Amendment adopted.

Senator Houston offered to further amend, as follows: Strike out "not less than 36 nor more than 60," and insert "not less than 36." Adopted.

A message was received from the House, announcing the concurrence of that body in Senate amendments to House joint resolution No. 37, proposing an amendment to sections 2, 3, 5, 6 and 8 of article 5 of the Constitution.

Senator Stubbs, for the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 15, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 198, "An act to authorize the Governor, State Treasurer and Superintendent of the Penitentiary to contract for the conveying of convicts from the counties where sentenced to the penitentiary," Senate bill No. 126, "An act to amend article 1800, chapter 11, title 29, of the Revised Civil Statutes of the State of Texas," and find the same correctly engrossed.

STUBBS, for Committee.